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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,510	02/06/2004	Wesley C. Sodemann	039189-9071-01	6549
23409	7590	11/04/2004	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202				MOHANDESI, IRAJ A
ART UNIT		PAPER NUMBER		
				2834

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/773,510	SODEMANN ET AL. <i>pr</i>	
	Examiner	Art Unit	
	Iraj A Mohandes	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 September 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4-9,19,21-24 and 26-40 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,2,4-9,19,21-24 and 26-40 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 06 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 26 is objected to because of the following informalities:

Claim 26 is depended on cancelled claim. Appropriate correction is required.

Response to Arguments

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-6, 8, 9, 19, 21-24, 27-33, and 35-39 rejected under 35 U.S.C. 103(a) as being unpatentable over **Jordan US patent 6,172,428** and in view of **Asai US patent 6,525,430**

Jordan'428 discloses digital control system and method for load monitoring for a generator, wherein the generator is adapted to supply power to a load (column 9, line 9), the apparatus comprising; a sensor (column 25, line 54) adapted to sense a signal supplied to the load (out put voltage) and a humanly perceptible indicator (switchboard , see Fig.3) adapted to output at least one discontinuous humanly perceptible indication of the sensed signal supplied to the load, the indicator and sensor are inherently an integral part of the generator, the indicator comprises at least one of a liquid crystal

display (330 ,column 13,line 7 ,Fig.3) a series of light emitting diodes (see control panel) ,the sensor senses a frequency of the signal supplied to the load (column 9,line 5).

Jordan'428 teaches all limitations of claimed invention except a humanly perceptible indicator adapted to output plug a signal sensor to sense a frequency higher than 56.5 or 58.5 Hz.

Asai'430 discloses a portable generator having a humanly perceptible indicator adapted to output plug (45,46 Fig. 1) for the purpose of connecting the generator to the power source.

Therefor it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine **Jordan'428** digital control system for generator with a humanly perceptible indicator adapted to output plug as taught by **Asai'430** for the purpose of connecting the generator to the power source.

5. With regards to claims 7,26, 34 and 40.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a signal sensor to sense a frequency higher than 56.5 or 58.5 Hz, to control the rotating speed of generator ,since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d.

Claim 9-13,15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jordan'428** and in view of **Frank US patent 6,084,313**.

Jordan'428 teaches all limitation of claim 10 except for a socket type plug to be coupled to generator.

Frank'313 discloses a generator set with control panel having a socket type plug to be coupled to generator (32c, 32, b 32 c) for purpose of connecting out put power.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combining **Jordan'428** generator with a socket type plug to be coupled to generator as taught by **Frank'313** for purpose of connecting out put power.

Regarding claim 18 **Frank'313** discloses a generator set with control panel having a socket type plug interconnected to a housing (Fig.1a).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iraj A Mohandes who's telephone number is 571-272-2028. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2834

October 27, 2004



**Nicholas Ponomarenko
Primary Examiner
Technology Center 2800**